

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** November 18, 2010

**Agenda Item:** **Smith River State Park and River Corridor Biennial Rule**

**Division:** Parks

**Action Needed:** Tentative: Final: X None/Informational Item: \_\_\_\_\_

**Time Needed on Agenda for this Presentation:** 60 minutes

**Background:** The Smith River State Park and River Corridor Biennial Rule establishes fees, permit requirements, and associated rules for private and commercial float trips on the Smith River from Camp Baker to Eden Bridge. The Commission instructed the department to solicit comments on proposed rule changes that were developed to implement the Smith River State Park Recreation Management Plan (updated July of 2009).

For more information: <http://fwp.mt.gov/parks/management/smithRiver/rules.html>

**Public Involvement Process & Results:** The department conducted a 45-day comment period and 65 people submitted comments. A majority of those supported the one-year successful applicant waiting period (peak season), a minimum applicant age of 12, reissuing all cancelled permits with a group size limit of 15, pet restriction, 24-hour maximum sign-in, pack-out requirement at Deep Creek boat camp, nonrefundable permit application fee, and a modest increase in private float fees. A majority opposed the proposal to implement a super permit lottery (5 opposed, 3 support) and year-round fees (1 opposed, 0 support). There was an equal number of comments supporting and opposing the proposed outfitter administrative changes (3 each).

### **Alternatives and Analysis:**

**Alternative A:** Adopt rule as proposed at August 5 Commission Meeting (no changes to tentative rule).

**Alternative B:** Adopt rule as proposed at August 5 Commission Meeting with the following amendments: 1) maximum group size for reissued permits would be 15 people (currently it is 8 people); and 2) language clarifying that the park manager may waive the cancellation penalty or one-year waiting period for private or commercial trips cancelled due to unsafe weather or flows, insufficient flows, or other similar exigent circumstances.

**Alternative C:** Retain current version of the Smith River rule (no changes).

**Agency Recommendation & Rationale:** The department recommends the Commission adopt **Alternative B**.

**Rationale:** This alternative is consistent with the 2009 Smith River State Park recreation management plan and reflects the majority of the public comments. The changes would help to address the public's interest in enhanced floater opportunities without significantly impacting others. Clarifying that all cancelled permits be reissued with a group size limit of 15 people is consistent with the goal of improving floater opportunities. Alternative B would add language allowing the park manager to waive the cancellation penalties (private and commercial trips) and the one-year waiting period (private trips) and therefore not penalize people if unsafe conditions or other similar circumstances lead to the cancellation of a trip.

**Proposed Motion** "I move that the Commission adopt the final Smith River State Park and River Corridor Biennial Rule proposed by the department, including the aforementioned amendments to the tentative rule (Alternative B)."

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